

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:22-cr-00097

RANDY PRICE

SECOND SUPPLEMENTAL REPLY ON BRUEN MOTION TO DISMISS

Relative to Count Two of Mr. Price's indictment, defendant calls the Court's attention to *Rigby v. Jennings*, ____ F.Supp.3d ____, 2022 WL 4448220, *7-*8 (D. Del. Sept. 23, 2022)(imposing preliminary injunction against Delaware's enforcement of statutes prohibiting the possession of unfinished firearm frames and receivers and untraceable firearms based on application of *Bruen's* Second Amendment standard), as further supporting his motion to dismiss Count Two of his indictment. If statutes prohibiting the possession of unfinished firearm frames and receivers and untraceable firearms are not consistent with any historical tradition of firearm regulation, then 18 U.S.C. § 922(k) criminalizing the absence or obliteration of an identifying firearm serial number likewise should be unconstitutional under the Second Amendment – such that defendant's motion to dismiss should be granted with respect to Section 922(k) and Count Two of his indictment.

Date: October 11, 2022.

Respectfully submitted,

RANDY PRICE

By Counsel

**WESLEY P. PAGE
FEDERAL PUBLIC DEFENDER**

s/ Lex A. Coleman

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